THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.25817 of 2007

Between:

Khanapuram Venkataiah and others.

.. PETITIONERS

and

The District Collector and others.

.. RESPONDENTS

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ORDER:

It is the case of the petitioners that the land admeasuring Ac.233-90

cents in Sy.Nos.1 to 24 situated at Mukthimpuram Village, Thripuranthakam Mandal, Prakasham District, was an estate land and after enactment of Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948, (for short "the Act"), the petitioners forefathers made an application to the Assistant Settlement Account Officer under Section 15(1) of the Act for grant of ryotwari patta and rough patta order was granted on 24-04-1961 to certain forefathers of the petitioners. It is the case of the petitioners that each of the petitioners is in occupation of certain extents of the lands in Sy.Nos.1 to 24. While so, the respondents are trying to dispossess the petitioners from the lands in question without following due process of law.

Admittedly, none of the petitioners furnished any particulars in respect of the extent of the lands in their possession. However, it is stated that the petitioners are in occupation of certain extents of lands in Sy.Nos.1 to 24 situated at Mukthimpuram Village, Thripuranthakam Mandal, Prakasham District.

The only grievance of the petitioners that without taking recourse to any of the provisions of A.P.Land Encroachment Act, 1905, even assuming that they are encroachers, the petitioners cannot be dispossessed from the lands in question without following due process of law.

I am not inclined to express any opinion whether the petitioners are encroachers or not. However, if any of the petitioner is found in possession of any Government land, it is not just and proper for the respondents to summarily dispossess the petitioners from the lands in question without following due process of law.

Accordingly, the writ petition is disposed of directing the respondents not to dispossess the petitioners from the lands in question without following due process of law. There shall be no order as to costs.

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04-12-2007

Note:
Issue C.C. by tomorrow
(B/o)
Prv